D.B. Civil Writ Petition No. 4138/2007
(Union of India & Others Versus M.L. Malviya & Another)

Date of Order :: 13th July, 2007

PRESENT

HON'BLE MR. JUSTICE R.M. LODHA

HON'BLE MR. JUSTICE MOHAMMAD RAFIQ

Mr. Tej Prakash Sharma for the petitioners

We heard Mr. Tej Prakash Sharma, the counsel for the petitioners.

2. The Tribunal relied upon the judgment of the Supreme Court in the case of Selva Raj Versus Lt. Governor of Island, Port Blair and others (AIR 1999 Supreme Court 838).

3. The counsel for the petitioners submits that the judgment has no application as in the present case no order was issued asking the respondent no.1 to work on officiating basis.

4. The submission of the counsel for the petitioners is misconceived. As a matter of fact the Tribunal has referred to the order of 30th March, 2000 whereby the respondent no.1 has been asked to hold additional charge of HRO until regular arrangement was made in view of voluntary retirement of L.D. Meena. This aspect is even admitted by the petitioners in para 4 of the reply before the Central Administrative Tribunal.

5. The consideration of the matter by the Central Administrative Tribunal, thus, does not suffer from any legal flaw. Writ petition has no merit. It is dismissed in limine.

Mohammad Rafiq, J. R.M.Lodha,J.